

# Board of Respiratory Care Examiners Board Meeting Minutes

## Regularly Scheduled Meeting of January 19, 2012

Thursday, January 19, 2012, 9:00 a.m.  
Basement Conference Room B-1  
1400 W. Washington, Phoenix, AZ 85007

**Board Members Present:**

Chair Jeanette Kieffer  
Vice Chair John O'Donnell  
Becky Brimhall  
Charles Ramirez  
David Sanderson  
Jose Gonzales

**Board Members Absent:**

Tracy Cagan

**Staff Present:**

John Confer  
Valarie Wallace

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Authored by: Valarie Wallace  
Recommended by: John Confer

# Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of January 19, 2012

## CALL TO ORDER

The Meeting was called to order at 9:05 a.m., by Board Chair Jeanette Kieffer.

## CONSENT AGENDA

### CONSENT AGENDA:

All items listed with “C” are considered to be routine or have been previously reviewed by the Board of Respiratory Care Examiners, and will be enacted by one motion. There will be no separate discussion of these items unless a Board member so requests; in which event the item will be removed from the Consent Agenda, and placed in the Regular Agenda under Item R-2.

### MOTION ON THE CONSENT:

There being no items requested to be removed, a motion was made by **Becky Brimhall** to approve all items on the Consent Agenda. **David Sanderson** seconded. **The Motion Passed**

#### C-1 APPROVAL OF MINUTES

Recommended for Approval  
December 15, 2011

#### C-2 ACTION ON APPLICATIONS FOR LICENSURE

##### i. Permanent License Issuance

Recommended for approval by the Executive Director

Ernie Angwin	Traci Broadnax	Stacy Davis	Richard Encinas
Ryan Foremny	Corey Francisco	Larissa Hunsaker	Sharoca Jackson
Mikel Kuhn	Jamie Lawrence	Rita Lazeroff	Shena Leftwich
Henry Lopez	Tate Mendenhall	Mindy Merritt	Gabriel Mesaros
Elizabeth Patterson	Michelle Pearson	Katie Rambo	Loraine Rollins
Christopher Schubert	Amy Scott	Cynthia Sedillos	Todd Sherry
Janice Smith	Rebecca Todd	Karen Wasson	Bruce White

##### ii. Re-Application for Permanent Licensure

Recommended for approval by the Executive Director  
None

##### iv. Ratification of Temporary License Issued pursuant to A.R.S. § 32-3521

**Recommended for Ratification by the Executive Director**

Robert Andes	Tahra Bilton	Audra Brun	Patty Chov
Anthony Corrales	Lorena Cota	Dana Daw	Lonnie Earl
Amar Hadzihasanovic	Bailey Hulin	Shaneequa Johnson	Dorian Khan
Cody Kloft	Craig Lamphere	Johathan Marino	Kathryn Mashaw
Catherine Miller	Ruben Molina	Meagen Newton	Christopher Rubalcaba
Paul Schaaf	Michele Wolfe	Jennifer Wright	Adan Yanez

**iv. Ratification of Temporary License Extension Issued pursuant to A.R.S. § 32-3521**

**Recommended for Ratification by the Executive Director**

None

**C- 3 ACTION ON ADMINISTRATIVE CLOSING OF APPLICATION FILES**

**Recommended for closing of application files**

Kristie Hardcastle Elizabeth Perry Lisa Riggs

**C- 4 ACTION ON ADMINISTRATIVE CLOSURE OF TWO-YEAR INACTIVE FILES**

**Recommended for closing of inactive files**

Tisha Allred	Sallie Bitner	Iain Black	Rachel Cross-Nistor
Mark Ellis	Donna Hardy	Nicholas Joyner	Arsen Khachatrian
Kimberly McAlister	Rick Robl	Jami Salyers	Joseph Schmelz
Charles Spencer	Karen Spurgeon	Deborah Stenger	Emmanuel Tagai
Eric Walter	Dan White	Stephen Ziemak	

**C- 5 ACTION ON NOTICES OF LICENSE EXPIRATIONS**

**Recommend sending notice of License Expirations to the following individuals:**

James Allison	Racheal Angulo	Deanna Auclair	James Bryant
Glenn Bryson	Geolene Bunsen-Schaller		Michelle Castruita
Vincent Conanan	Sue Damasco	Tonya Doty	Patti Giattino
Richard Hernandez	Emy Koenig	Jessica Levens	Sandra McGlocklin
Holly Nieves-Wolford	Cheryl Proctor	Wendy Rausch	Bob Sayers
Eric Schweitzer	Sara Smith	Dean Terry	Maricel Thompson
Alice Van Ness	Anthony Wehry	Willow Wells	

**C- 6 ACTION ON RATIFICATION OF RENEWAL OF LAPSED LICENSES**

**Recommended to ratify licenses issued by the Executive Director to individuals who met requirements for renewal**

Melissa Krane

**C-7 ACTION ON RATIFICATION OF CONSENT AGREEMENTS AND LETTERS OF WARNING ISSUED**

Items listed here will be proposed documents for the Board's consideration. The Board may choose not to ratify these documents, remove them from the Consent Agenda, and place them in the Regular Agenda under Item R-2.

Stipulation and Consent Orders, and Letters of Warnings Issued, once ratified by the Board shall constitute public records which may be disseminated as formal actions of the Board.

**A. Decision on Accepting Proposed Consent Agreements**

None

**B. Decision on Accepting Proposed Letters of Warning Issued**

None

**C -8 ESTABLISH DATE AND TIME OF NEXT BOARD MEETING**

**Scheduled date of next Board Meeting**

Thursday, February 16, 2012, at 9:00 a.m.

## **REGULAR AGENDA**

### **R-1 DISCUSSION/ACTION ON EXECUTIVE DIRECTOR'S REPORT**

- i. Board Office Highlights
- ii. Board Staff Highlights

### **R-2 DISCUSSION/ACTION ON ITEMS REMOVED FROM THE CONSENT AGENDA**

None

### **R-3 DISCUSSION/ACTION ON APPLICATIONS FOR LICENSURE/RENEWAL**

#### **A. Application for Licensure/Interview**

##### **1. Shirl Yergler Case Number C002832-12-009635; C002833-12-009635**

Ms. Yergler was invited and present for the Board meeting. Board staff provided an overview of Ms. Yegler application including the previous license that Ms. Yergler held and the allegation of unprofessional conduct that was filed against her. It came to the Board office attention that Ms. Yerlger continued to work as an RCP after her temporary license to practice respiratory therapy expired in February 2011. After interviewing Ms. Yergler and discussion among the Board members, **David Sanderson** moved to grant a license and a Stipulated Consent Agreement that includes a fine of \$200, for working without a valid license to practice respiratory therapy. **Charles Ramirez** Seconded. **Jose Gonzales** voted Nay. **The motion passed.**

##### **2. Nicholas Moulder Case Number C002735-11-009771**

Mr. Moulder was invited and present for the Board meeting. Board staff provided an overview of Mr. Moulder's application that included numerous criminal offenses. After interviewing Mr. Moulder and discussion among the Board members, David Sanderson moved to grant Mr. Moulder a license to practice respiratory therapy in the State of Arizona. Becky Brimhall seconded the motion. The motion passed unanimously.

#### **B. Re-Application for Licensure/Interview**

##### **1. Jose Madrigal Case Number C002880-12-010227**

Mr. Madrigal was invited and present for the Board meeting. Board staff provided an overview of Mr. Madrigal's application that included the previous license Mr. Madrigal held. After interviewing Mr. Madrigal and discussion among the Board members, David Sanderson move to grant Mr. Madrigal a license to practice respiratory care with a Stipulated Consent Order. The Consent Order includes the following terms; quarterly reports from his employer that would address Mr. Madrigal recording keeping; and mirror his court ordered requirements

that were imposed when he was convicted of a misdemeanor DUI in early 2011. Board Vice-Chair John O'Donnell seconded. The motion received a 4-2 vote. Becky Brimhall and Jose Gonzales voted Nay. The motion passed.

#### **R-4 CONSIDERATION AND ACTION ON INVESTIGATIONS OF POSSIBLE UNPROFESSIONAL CONDUCT**

**1. Jessica Jazayeri**

**Case Number C002874-12-008163**

Ms. Jazayeri was invited and not present for the Board meeting. Board staff explained the allegation against Ms. Jazayeri; that stated she was placed on a disciplinary action by West Valley Hospital for accepting a prescription drug from a fellow co-worker that was not prescribed to her. After discussion, **Board Chair Jeanette Kieffer** moved to invite Ms. Jazayeri to an informal interview. **Becky Brimhall** seconded. **The motion passed unanimously.**

**2. Edward Torres**

**Case Number C0028873-12-009816**

Mr. Torres was invited and not present for the Board meeting. Board staff explained the allegation against Mr. Torres; that stated he placed on a disciplinary action after he gave a fellow co-worker a prescription that was not prescribed to that co-worker. After discussion, **Board Chair Jeanette Kieffer** moved to invite Mr. Torres to an informal interview. **Becky Brimhall** Seconded. **The motion passed unanimously.**

**3. Shirl Yergler**

**Case Number C002833-12-009635**

Can be found in section R-3

**4. Elice Linehan**

**Case Number C002877-12-007784**

Ms. Linehan was invited and not present for the Board meeting. Board staff explained the allegation against Ms. Linehan; that stated she was a no call/no show at Banner Baywood for three consecutive days and was terminated as a result. After discussion, Board Chair Jeanette Kieffer moved to invite Ms. Linehan to an informal interview. Becky Brimhall seconded. The motion passed unanimously.

#### **R-5 CONSIDERATION AND ACTION ON INFORMAL INTERVIEWS PURSUANT TO A.R.S. § 32-3553(G)**

**1. Thomas Buzan**

**Case Number C**

Mr. Buzan was invited and present for the Board meeting. Board staff provided an overview of Mr. Buzan's allegation that included Mr. Buzan being convicted of a misdemeanor DUI. After interviewing and discussion among the Board members, Becky Brimhall moved to placed Mr. Buzan on an order of probation that includes mirroring his current MVD ignition interlock contract; receipts of the \$85 fine opposed for the ignition interlock device; and compliance interview with the Board when requested. David Sanderson seconded. The motion passed unanimously.

**2. Lori Carson**

**Case Number C002763-11-007210**

Ms. Carson was invited and present for the Board meeting. Board staff provided an overview of Ms. Carson's allegation that included Ms. Carson being terminated from Phoenix Children's Hospital for

acting outside of scope. The complaint alleged that Ms. Carson initiated high frequency ventilation on a patient without an ordered ventilation parameters. After interviewing and discussion among the Board members, Board Chair Jeanette Kieffer moved to dismiss the allegation against Ms. Carson. Becky Brimhall seconded. The motion passed unanimously.

3. Paola Delgado Case Number C002769-11-008898  
Ms. Delgado was invited and not present for the Board meeting. Board staff provided an overview of Ms. Delgado's allegation that included Ms. Delgado's termination from Scottsdale Healthcare on June 24, 2011, for a positive breathalyzer. After discussion among the Board members, Becky Brimhall moved to table Ms. Delgado's informal interview until the next available Board meeting. Board Chair Jeanette Kieffer seconded. The motion passed unanimously.
4. Travis Dschaak Case Number C002853-12-006577  
Mr. Dschaak was invited and present for the Board meeting. Board staff provided an overview of the allegation against Mr. Dschaak that included Mr. Dschaak being convicted of a misdemeanor DUI in April 2011. After interviewing Mr. Dschaak and discussion among the Board members, Charles Ramirez moved to place Mr. Dschaak on a Consent Order that includes the following terms; Minor his court ordered probation and terms; participate in a 12-Step Program that includes attending at least 2 meetings on separate days per week; and obtain a sponsor. Jose Gonzales seconded the motion. The motion passed unanimously.
5. Andrew Griffin Case Numbers C002849-12-006648; C002851-12-006648  
Mr. Griffin was invited and present for the Board meeting. Board staff provided an overview the allegations against Mr. Griffin that included the following:
  - Case Number C002849-12-006648
    - o Mr. Griffin submitted a written statement with his 2011 Renewal application that he was terminated from Plaza Healthcare for failing to provide a patient requested therapy.
  - Case Number C002851-12-006648
    - o During the course of the investigation of Mr. Griffin's termination, it came to the attention that Mr. Griffin has two criminal traffic violations that he did not disclose to the Board office. Also, Mr. Griffin has two current warrants for his arrest for both criminal traffic violations.

After interviewing Mr. Griffin and discussion among the Board members, Charles Ramirez moved to dismiss the allegations against Mr. Griffin. Board Vice-Chair John O'Donnell seconded. The motion passed unanimously.
6. Jessica Middaugh Case Number C002775-11-008744  
Ms. Middaugh was invited and present for the Board meeting. Board staff provided an overview of Ms. Middaugh's allegation that included Ms. Middaugh being terminated from Banner Baywood for a positive drug screen on June 26, 2011. After interviewing Ms. Middaugh and discussion among the Board members, Charles Ramirez moved to place Ms. Middaugh on a Rehabilitative Consent Order that includes a letter from Ms. Middaugh primary care provider that states they believe she is

safe to practice respiratory therapy; random drug screens that includes hair follicle testing; and employer quarterly reports. Jose Gonzales seconded. The motion passed unanimously.

7. Sharon Summerford Case Number C002857-12-001210  
Ms. Summerford was invited and present for the Board meeting. Board staff provided an overview of Ms. Summerford's allegation that included Ms. Summerford being terminated from Plaza Healthcare on April 1, 2011 for rude and inappropriate behavior/complaints from patients. After interviewing Ms. Summerford and discussion among Board members, Jose Gonzales moved to dismiss the allegation. Becky Brimhall seconded the motion. The motion passed with a 5-1 vote. Board Chair Jeanette Kieffer voted Nay. The motion passed.

#### **R-6 CONSIDERATION AND ACTION ON FORMAL HEARINGS PURSUANT TO A.R.S. § 32-3553(H)**

None

#### **R-7 CONSIDERATION AND ACTION ON PREVIOUS BOARD ACTION** *Informal Interview Regarding Probation Compliance*

1. Yvonne Lamme Case Number C002679-11-009567  
Ms. Lamme was invited and present for the Board meeting. Ms. Lamme requested to meet with the Board for consideration or modification to her current rehabilitative order of probation. Ms. Lamme was placed on a rehabilitation order in December of 2010 for information that she disclosed on her application for licensure. Ms. Lamme has and remained in compliance with her current rehabilitative since the order went into effect in December of 2010. After interviewing Ms. Lamme and discussion among the Board members, Board Vice-Chair John O'Donnell moved to lift Ms. Lamme current order. David Sanderson seconded the motion. The motion passed unanimously.
2. Jamie Powers Case Number C002624-10-007295  
  
Ms. Powers' was invited and not present for the Board meeting. The Probation Compliance Officer provided an overview of Ms. Powers' current compliance with her current order of probation. Ms. Powers' was unable to attend this Board meeting, however, did express that she would like to attend the next Board meeting for consideration of modifying her current order of probation. After discussion, Board member Becky Brimall moved lift Ms. Powers' current order of probation. Jose Gonzales seconded the motion. The motion passed unanimously.

#### **R-8 DISCUSSION/ACTION ON SENATE BILL 1076**

The Board may go into Executive Session to receive Legal Advice

The Board's Executive Director provided a summary of the Senate Bill 1076 and its current status in the Senate House.



## **R-9 DISCUSSION/ACTION ON COMMITTEES FOR LEGISLATIVE ACTION AND RULE WRITING; PUBLIC LOBBYIST**

The Board may go into Executive Session to receive Legal Advice

The Board's Executive Director requested that the Board members create subcommittee for Legislation Action and Senate Bill 1076 and a subcommittee for Rule Writing.

The subcommittee for the Legislation Action includes the following Board members:

Jeanette Keiffer  
Becky Brimhall  
Tracy Cagan  
Jose Gonzales

The subcommittee for Rules Writing includes the following Board members:

Jeanette Keiffer  
Charles Ramirez  
Jose Gonzales

The Board members also moved to approve the filing fees for Public Lobbyist for the Executive Director John Confer.

## **R-10 DISCUSSION/ACTION ON ELECTION OF OFFICERS**

Becky Brimhall moved to nominated Jeanette Kieffer to continue as Board chair. David Sanderson seconded the motion. The motion passed unanimously.

David Sanderson moved to nominated John O'Donnell to continue as Board Vice-Chair. Charles Ramirez seconded the motion. The motion passed unanimously.

## **R-11 DISCUSSION/ACTION SCOPE OF PRACTICE ISSUE RCP AS PHYSICIAN EXTENDER**

## **R-12 CALL TO THE PUBLIC**

Those wishing to address the Board do not need to request permission in advance. Each person wishing to address the Board will be given five (5) minutes to do so. The Board can only take action on matters listed on the agenda. Persons who wish to raise issues or concerns not on the noticed agenda should be aware that the only procedural action that can be taken is directing staff to study the matter or to schedule the matter for further discussion at a later date.

No public comment.

**R-13 ADJOURNMENT**

Board Chair Jeanette Kieffer adjourned the meeting at 1:20 p.m., without objection

DATED this \_\_\_\_ day of January, 2012

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John Confer  
Executive Director